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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE ZAPPOS SECURITY BREACH
LITIGATION

MDL: 2357
Case No. 3:12-cv-00325-RCJ-VPC

This document relates to:

ALL ACTIONS

**STIPULATION AND ORDER
REGARDING EMAIL NOTICE TO
PROPOSED SETTLEMENT CLASS**

WHEREAS, on September 19, 2019, the Court entered its Order preliminarily approving a proposed class action settlement and directing notice to the proposed settlement class; and

WHEREAS, on October 7, 2019, the Court entered an Order directing email notice to the settlement class on October 15 and 16, 2019 (ECF No. 337); and

1 WHEREAS, the settlement administrator has commenced email notice pursuant
2 to the Court's October 7 Order; and

3 WHEREAS, the settlement administrator now advises and recommends that, to
4 prevent class notice from being blocked by internet service providers or corporate anti-spam
5 filters, a reduced size of email distribution groups be employed, and that the distribution be
6 spread over a longer timeframe; and

7 WHEREAS, the settlement administrator believes that email notice distribution
8 probably can be completed by Saturday, October 19, 2019, but that it may be necessary for some
9 notices to be distributed on Sunday, October 20, 2019, and Monday, October 21, 2019; and

10 WHEREAS, proposed settlement class members receiving their notices on
11 October 21, 2019, will still have 39 days to object or opt out of the settlement before the
12 November 29, 2019 deadline; and

13 WHEREAS, appellate case law confirms that notice of 30 days or more complies
14 with Federal Rule of Civil Procedure 23 and due process. *See e.g., In re Transpacific Passenger*
15 *Air Transportation Antitrust Litigation*, 701 Fed. App'x 554, 555 (9th Cir. 2017) (settlement
16 provided sufficient notice to class members under Federal Rule of Civil Procedure 23 where
17 class members were notified of the opportunity to opt out or object to the settlement no later than
18 35 days before the final fairness hearing); *Torrise v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1375
19 (9th Cir. 1993) (holding that timing of notice satisfied due process and Federal Rule of Civil
20 Procedure 23 where notice was mailed 31 days before the deadline for written objections and 45
21 days before final approval hearing).

22 The parties stipulate and agree as follows:

23 1. Email notice to the proposed settlement class shall be completed by
24 October 21, 2019; and

2. The settlement administrator shall organize the class notices into distribution groups as may be necessary to ensure proper delivery.

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ORDER

IT IS SO ORDERED.

ROBERT C. JONES

United States District Judge

Dated: _____